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## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:	
CLARISOL CRESPO MELENDEZ	CASE NO. 13-07511 MCF
Debtor(s)	CHAPTER 7
BANCO POPULAR DE PUERTO RICO Movant(s)	INDEX
CLARISOL CRESPO MELENDEZ Noreen Wiscovitch Rentas, Chapter 7 Trustee Respondent(s)	

## JOINT MOTION FOR THE ENTRY OF ORDER LIFTING THE AUTOMATIC STAY BY CONSENT

## TO THE HONORABLE COURT:

Come now Debtor and secured creditor Banco Popular de Puerto Rico ("BPPR"), through their undersigned counsel, and very respectfully state and request:

- 1. On September 12, 2013, Debtor filed her Voluntary Petition seeking relief under Chapter 13 of the Bankruptcy Code, converted to Chapter 7 on February 5, 2016.
- 2. On February 18, 2016, BPPR filed its Motion for Relief from Stay under Section 362(d)(1) of the Bankruptcy Code ("BPPR's Motion") (Docket No.48), which was scheduled for March 14, 2016.
- 3. On February 24, 2016, BPPR filed its Certificate of Service notifying the Court that on February 22, 2016, BPPR forwarded a true and exact copy of the Motion and the Notice by certified mail to Debtor, to her attorney, Roberto Figueroa Carrasquillo, Esq., and to the Chapter 7 Trustee, Noreen Wiscovitch Rentas, Esq., to their addresses of record, and through the CM/ECF electronic system to the Office of the US Trustee (Docket No. 51).

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4. Pursuant to the Notice, Debtor and the Chapter 7 Trustee had 14 days from the service of the Notice to file a response to BPPR's Motion.

- 5. As of today, the Chapter 7 Trustee has not filed a response to BPPR's Motion;
- 6. On March 7, 2016, Debtor filed her Reply to BPPR's Motion consenting to the lifting of the Automatic Stay in favor of BPPR (Docket No. 55).
- 7. In order to avoid unnecessary delays and further expenses, the parties herein have agreed to request the entry of an Order lifting the Automatic Stay in favor of BPPR.
- 8. Debtor has been informed of the legal consequences of his decision and is hereby consenting to the entry of an Order lifting the Automatic Stay in favor of BPPR.
- 9. In view of the above we move that the hearing be vacated and that the undersigned attorneys excused from appearing at the hearing of March 14, 2016.

WHEREFORE, it is respectfully requested that an Order be entered lifting the Automatic Stay in favor of BPPR and that the preliminary hearing be vacated.

## NOTICE TO ALL INTERESTED PARTIES

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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Ponce, Puerto Rico, this 14<sup>th</sup> day of March, 2016.

/s/José A. Moreda del Valle José A. Moreda del Valle USDC-PR 229401

PARRA, DEL VALLE & LIMERES

Attorneys for BPPR PO Box 331429 Tel. (787) 848-4900 Fax (787) 848-5005

E-mails: imoreda-usdcpr@pdvl.com

bankruptcy@pdvl.com

Roberto Figueroa Carrasquillo USDCPR 203614

PO Box 186 Caguas, PR 00726 Tel. (787)744-7699 Fax (787) 746-5294

E-mail: rfigueroa@rfclawpe.com

CERTIFICATE OF SERVICE: I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants including but not limited to Monsita Lecaroz Arribas, Esq.; the Chapter 7 Trustee, Noreen Wiscovitch Rentas, Esq., and Debtor's Attorney, Roberto Figueroa Carrasquillo, Esq.

Ponce, Puerto Rico, this 14<sup>th</sup> day of March, 2016.

<u>/s/José A. Moreda del Valle</u> José A. Moreda del Valle, Esq. USDC-PR 229401

PARRA, DEL VALLE & LIMERES

Attorneys for BPPR
PO Box 331429
Ponce, Puerto Rico 00733-1429
Tel. (787) 848-4900
Fax (787) 848-5005
Emails: imoreda-usdcpr@pdvl.com

:mails: <u>imoreda-usdcpr@pdvl.com</u> <u>bankruptcy@pdvl.com</u>